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6 PINOLEVILLE POMO NATION et al.

7 UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 PINOLEVILLE POMO NATION,
11 PINOLEVILLE POMO NATION
12 ENVIRONMENTAL ASSOCIATION AND
13 LEONA WILLIAMS,

14 Plaintiffs,

15 v.

16 UKIAH AUTO DISMANTLERS, WAYNE
17 HUNT ISABEL LEWRIGHT, WARRIOR
18 INDUSTRIES, INC., RICHARD MAYFIELD,
19 ROSS JUNIOR MAYFIELD, PAULA
20 MAYFIELD, KENNETH HUNT, U.S.
21 ALCHEMY CORPORATION AND DOES 1-
22 50, INCLUSIVE,

23 Defendants.
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Case No.: C 07 2648

DECLARATION OF JOAQUIN WRIGHT
IN REBUTTAL TO DECLARATION OF
WAYNE BRILEY IN OPPOSITION TO
PRELIMINARY INJUNCTION

Date: 06/25/08
Time: 1:30 P.M.
Dept: Courtroom C, 15th Floor
Judge: Susan Illston

My name is Joaquin Wright. I have personal knowledge of the facts stated herein unless
expressly alleged on information and belief, and, if called as a witness, I could testify
competently thereto.

1. This declaration documents my review of the Declaration of Wayne Briley in opposition to preliminary injunction.

2. I have over 10 years of consulting experience as an Environmental Engineer. I am the Senior Vice President and co-founder of KENNEC INC. I received my Bachelors of Science degree from the Environmental Resource Engineering Program at Humboldt State University. I am a Certified Professional in Erosion and Sediment Control (CPESC) and a Waste Tire Reuse Specialist. I am also responsible for the management and implementation of the CALEPA CIWMB civil engineering application programs 06008, 05058, 04054, 03031, and 02022. I have performed onsite project and construction management for landfill construction, industrial facility remediation projects, and have worked extensively on large earth moving construction projects. I have extensive landfill design development and environmental engineering experience, including cell expansion designs, master plan development, modeling of surface and ground water, water quality sampling and analysis, soil loss, construction management and construction quality assurance services for industrial, civil and private projects throughout California. I have managed and performed hydrology analysis, construction level design packages, erosion control design and implementation plans, road designs, methane removal system designs, and associated projects.

3. I have reviewed the declaration of Wayne Briley in opposition to the preliminary injunction. Typically, the peak of the surface water flow quantity from a precipitation event will be delayed depending upon the location and up-gradient area in question. Peak flows and therefore maximum containment basin quantities will manifest in the later stages of or after the precipitation event. To view containment basins under maximum quantity conditions, and

1 therefore assess their functionality, inspection of the basin should occur well into or directly after
2 the precipitation event.

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4 4. As of this declaration, I have not seen or been apprised of any engineering calculations or
5 design drawings that would support the conclusion that the containment basins in question could
6 hold any moderate or substantial precipitation event without overflowing or provide for water
7 quality treatment by dropping out sediment with an appropriate residence time (48hours).
8 Typically basins of this type would be appropriately sized to handle a 24 hour, 25 year
9 precipitation event, and due to the nature of the business on the property, would also be lined
10 with an impermeable barrier to prevent heavy metals from settling into the underlying soil and
11 ground water. Design drawings and back up calculations to substantiate that the basins can hold
12 the appropriate amount of surface runoff water for the Parcel acreage in question and allow for
13 adequate resident time should be maintained in the sites SWPPP, or Spill Prevention, Control,
14 and Countermeasure Plan (SPCC) as part of the sites Best Management Practices (BMPs). There
15 is no mention of the SWPPP, or SWPPP review by the county HAZMAT field inspector, Wayne
16 Briley.
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20 **I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE**
21 **UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.**
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23
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25 DATED 06/18/08

26 Petaluma California

27 /S/ Joaquin Wright
28 Joaquin Wright